

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 1:05CR60

LAWRENCE BENNETT,

Defendant.

ORDER/OPINION

On the 31st day of October, 2005, came the United States of America by Sherry Muncy, Assistant United States Attorney, and also came the defendant, Lawrence Bennett, in person and by his counsel, Brian J. Kornbrath, for hearing on the Petition for Action on Conditions of Pretrial Release alleging that Bennett:

1. Violated Mandatory Condition 1 that he not commit an offense in violation of federal, state or local law while on release in this case; and
2. Violated Standard Condition 7(n) that he refrain from possessing a firearm, destructive device or other dangerous weapon, in that:

On July 14, 2005, at approximately 10:00 p.m., Mr. Bennett was arrested by the Los Angeles Sheriff's Department and charged with Felon in Possession of a Firearm. As noted in the attached police report, said firearm had been stolen, was fully loaded, and in working condition.

3. And violated Condition 7(t) that he participate in a home detention program and be restricted to his residence at all times except for employment; religious services; medical, substance abuse or mental health treatment; attorney visits; court appearances; and court ordered obligations, in that:

As noted in the attached police report, Mr. Bennett was arrested in Gonzales Park at approximately 10:00 p.m. According to Mr. Bennett's supervising Pretrial

Services Officer in Los Angeles, California, Mr. Bennett was scheduled to be at his place of employment during this time period.

Defendant was arrested pursuant to the Court's order dated July 19, 2005. Defendant appeared before the undersigned for a hearing on the Petition for Action on Conditions of Pretrial Release on October 31, 2005. Defendant appeared in person and by his counsel, Brian J. Kornbrath. The United States appeared by Sherry Muncy, its Assistant United States Attorney.

Prior to the taking of evidence, Defendant, through counsel, waived the hearing regarding the alleged violation, stating he did not wish to contest the charge in the Petition.

It is therefore **ORDERED** that the conditional release of Defendant Lawrence Bennett on conditions is **REVOKED** and that Defendant be **REMANDED** to the custody of the United States Marshal pending further proceedings in this case.

The Clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Probation Officer.

DATED: The 2nd day of November, 2005.

/s *John S. Kaull*

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE